

REMARKS

The Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 30, 31, 39 and 48 are currently being amended.

Claim 55 is cancelled.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 30-54 and 56-57 are now pending in this application.

In paragraphs 3-4 of the Non-Final Office Action, Claims 30-57 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Mitsugi (U.S. Pat. No. 5,353,023) in view of Kakiyara et al. (U.S. Pat. No. 6,959,282). This rejection is respectfully traversed.

Claim 30 is directed to a system for pricing a product comprising a “handheld” computer which comprises a location circuit and a wireless transceiver. The handheld computer can be a cellular phone, “smart phone” or other handheld computer. In one exemplary embodiment, such as that recited in dependent claim 36, as a person moves about carrying the handheld computer (e.g., in the person’s hand, in a pocket, in a briefcase, etc.) from one location to another, a data processor can be configured to receive location data for the handheld computer and to dynamically set a price for a product based on the location. For example, the person may be offered a special price on a product as the person approaches a retail location with the handheld computer. Other advantageous scenarios are contemplated. For example, as recited in dependent

claim 38, a lower price may be received by the handheld computer for a product based on data, such as a distance between the location of the handheld computer and a provider of the product.

Both Mitsugi and Kakiyara are directed to systems built into or installed in cars. The Office Action points to radio communication unit 14A in Mitsugi to show a handheld computer. However, the radio communication unit is not part of a “handheld computer.” Radio communication unit 14A is installed in a car. In fact, Mitsugi teaches away from any communication unit that is not installed in the car:

More particularly, the invention is concerned with a navigation system which is *operatively interlocked with devices or units installed on the same car* such as a communication unit exemplified by a transceiver, a device for detecting traveling conditions of the car and others.

(Mitsugi, col. 1 lines 7-12) (emphasis added). Thus, not only does Mitsugi fail to teach or suggest a wireless transceiver on a handheld computer, Mitsugi teaches that its communication unit is “operatively interlocked” with its in-car navigation system “installed on the same car.”

Similarly, Kakiyara’s “ground wave communication device 222” is mounted on the vehicle. Kakiyara does state that a communication device for a moving body such as a portable telephone or a car phone or the like may be used as the ground wave communication device 222 (Kakiyara col. 39 lines 47-66). However, it provides no teaching of how the location of the portable telephone can be provided (e.g., in the situation where the portable telephone is removed from the car since its GPS receiver is “mounted on the vehicle”) or how a price could be set based on such location data.

Further still, neither Kakiyara nor Mitsugi teaches a handheld computer “comprising a location circuit configured to provide location data based on the location of the handheld computer.” This amendment is supported in the present specification at least at paragraphs [0024] and [0027].

Claims 39 and 48 contain similar limitations as Claim 30 and are allowable for at least the same reasons as Claim 30, as are the dependent claims of Claims 30, 39 and 48. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

Claims 33, 41 and 51 are further allowable because of the element “wherein the data processor is further configured to price the product based on a date or a time of day” in Claim 33 and similar recitations in claims 41 and 51. The Office Action has not pointed to a teaching in either Mitsugi or Kakiyara for this element. Accordingly, it is respectfully submitted that claims 33, 41 and 51 are further allowable for this reason.

Claims 34 and 42 are further allowable because of the element “wherein the data processor is further configured to price the product based on an environmental condition, including a weather condition” in Claim 34 and a similar recitation in Claim 42. The Office Action states:

As per claim 34 Mitsugi discloses a car (or object) navigation system that is adapted to be installed on a car for estimating a location of the car or object, detecting occurrence of an accident and performing communication data, a location unit for generating car location. Therefore, the navigation system of Mitsugi is capable of providing a weather condition.

(Office Action, pp. 3-4). The Office Action has not pointed to any teaching in Mitsugi that a data processor is configured “to price the product” based on an environmental condition, including a weather condition. Accordingly, it is respectfully submitted that claims 33 and 42 are further allowable for this reason.

Claims 36, 44 and 52 are further allowable because of the element “wherein the data processor is configured to dynamically adjust the price for the product based on the location of the handheld computer” in Claim 36 and the similar recitation in claims 44 and 52. The Office Action has not pointed to any teaching in Mitsugi or Kakiyara for this element. Accordingly, it is respectfully submitted that claims 36, 44 and 52 are further allowable for this reason.

Claims 38, 47, and 53 are further allowable because of the element "wherein the handheld computer is further configured to receive a lower price for the product based on the data received from the location circuit" in Claim 38 and similar recitations in claims 47 and 53. The Office Action has not pointed to any teaching in Mitsugi or Kakiyara for this element. It is respectfully submitted that claims 38, 47 and 53 are further allowable for this reason.

The Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, the Applicants hereby petition for such extension under 37 C.F.R. § 1.136 and authorize payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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